

on or about November 21, 1941, from Hayward, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Dreher's Tomato Catsup 12 Oz. Avoir. Packed For The Dreher Pickle Co. Denver Colorado."

On August 5, 1942, the California Conserving Co., Inc., San Francisco, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

**3970. Adulteration of tomato catsup and tomato sauce. U. S. v. 51 Cases of Tomato Catsup and 239 Cases of Tomato Sauce. Default decree ordering the tomato catsup condemned and destroyed. Tomato sauce ordered released under bond. (F. D. C. Nos. 7098, 7456. Sample Nos. 72759-E, 72793-E.)**

On April 2 and May 11, 1942, the United States attorney for the District of Arizona filed libels against 51 cases of tomato catsup at Phoenix, Ariz., and 239 cases of tomato sauce at Douglas, Ariz., alleging that the articles had been shipped in interstate commerce on or about January 13 and March 21, 1942, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Val Vita Brand Tomato Catsup," or "Spanish Style Tomato Sauce."

On July 8, 1942, Val Vita Food Products, Inc., having appeared as claimant for the tomato sauce, judgment was entered ordering the product released under bond conditioned that it be brought into compliance with the law. On September 5, 1942, no claimant having appeared for the tomato catsup, judgment of condemnation was entered and the product was ordered destroyed.

**3971. Adulteration of tomato juice. U. S. v. 26 Cases of Tomato Juice (and 5 other seizure actions against tomato juice.) Decrees of condemnation. Portions of product ordered destroyed. Remainder ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 8009, 8010, 8012, 8916, 9059, 9095. Sample Nos. 17578-F, 17914-F, 22437-F, 22439-F.)**

On July 29 and 31, and December 1, 23, and 30, 1942, the United States attorneys for the Southern District of New York, the Eastern District of New York, and the Eastern District of Pennsylvania, filed libels against 159 cases, each containing 24 cans, of tomato juice at New York, N. Y., 20 cases, each containing 24 cans, of tomato juice at Brooklyn, N. Y., and 213 cases, each containing 12 cans, and 269 cases, each containing 24 cans, of tomato juice at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about January 28, 1942, to on or about December 1, 1942, by Francis C. Stokes Co., from Vincentown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Tomato Juice Sweet Life \* \* \* Distributed by Sweet Life Food Corp," "Stokes Tomato Juice," or "White Rose Pure Tomato Juice \* \* \* Seeman Brothers Incorporated, Distributors, N. Y."

On August 22, October 2, and December 24, 1942, no claimant having appeared for the goods seized at New York and Brooklyn, judgments of condemnation were entered and they were ordered destroyed. On January 6, 1943, the Francis C. Stokes Co., having appeared as claimant for the product seized at Philadelphia, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

**3972. Adulteration of tomato paste. U. S. v. 784 Cases of Tomato Paste. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 7334. Sample No. 89090-E.)**

On April 14, 1942, the United States attorney for the Southern District of New York filed a libel against 784 cases of tomato paste at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 5, 1941, by the West Coast Packing Co. from Long Beach, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Appetit Brand Tomato Paste \* \* \* Distributors J. Ossola Co. New York, N. Y."

On May 7, 1942, the West Coast Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product

was ordered released under bond for segregation and destruction, under the supervision of the Food and Drug Administration, of all portions found to be unfit for human consumption.

**3973. Adulteration and misbranding of tomato paste. U. S. v. 157 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 7423. Sample Nos. 83907-E, 83943-E, 83944-E, 83946-E.)**

In addition to containing mold, this product was deficient in tomato solids.

On May 2, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 157 cases of tomato paste at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 17, 1942, by V. Damico from Los Angeles, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: "Giardiniera [or "Flag Brand" or "Progresso"] \* \* \* Tomato Paste. Packed for La Sierra Heights Canning Co., Inc., Buena Park, Calif."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. It was alleged to be misbranded in that it purported to be food for which a definition and standard of identity had been prescribed by regulations as provided by law, but did not conform to such definition and standard since it contained less than 25 percent of salt-free tomato solids.

On August 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3974. Adulteration of tomato puree. U. S. v. 30 Cases and 10 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 7494, 7536. Samples Nos. 86559-E, 86560-E.)**

On May 15 and 26, 1942, the United States attorneys for the Northern District of Indiana and the Northern District of Illinois filed libels against 30 cases, each containing 48 10½-ounce cans, of tomato puree at Gary, Ind., and 10 cases, each containing 48 10½-ounce cans, of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce in the period from on or about April 21 to on or about April 24, 1942, by Wabash Food Mart from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Brooks Tomato Puree \* \* \* Packed by The G. S. Suppiger Co., St. Louis, Mo."

On July 23 and 31, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### FROZEN FRUITS

**3975. Adulteration of frozen raspberries. U. S. v. 8 Barrels of Frozen Raspberries. Default decree of condemnation. Product ordered delivered to Food and Drug Administration. (F. D. C. No. 7578. Sample Nos. 89756-E, 89757-E.)**

This product contained moldy berries.

On June 1, 1942, the United States attorney for the Southern District of New York filed a libel against 8 unlabeled second-hand barrels of frozen red raspberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 5, 1941, by Frigid Food Products, Inc., from Detroit, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On August 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration for experimental purposes.

**3976. Adulteration of frozen strawberries. U. S. v. Kelly, Farquhar & Co. Plea of nolo contendere. Fine \$350. (F. D. C. No. 7284. Sample No. 66406-E.)**

This product contained moldy berries.

On August 11, 1942, the United States attorney for the Western District of Washington filed an information against Kelly, Farquhar & Co., a corporation, Tacoma, Wash., alleging shipment on or about July 17, 1941, from the State of Washington into the State of Illinois of a quantity of frozen strawberries that were adulterated in that they consisted in whole or in part of decomposed substances. The article was labeled in part: "Sparklets Brand Marshall Strawberries."

On September 23, 1942, plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$350.